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FISCAL IMPACT STATEMENT

LS 6999

BILL NUMBER: SB 253

NOTE PREPARED: Feb 16, 2006

BILL AMENDED: Feb 16, 2006

SUBJECT: Activities Along Shorelines.

FIRST AUTHOR: Sen. Weatherwax

FIRST SPONSOR: Rep. Hoffman

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill requires that a person who performs certain activities concerning water levels, shorelines, and lake beds along a lake or within ten feet of a lake obtain a permit from the Department of Natural Resources (DNR). It directs the Natural Resources Commission (NRC) to adopt rules.

The bill makes conforming changes and repeals superseded laws concerning permits to change water levels, shorelines, and lake beds.

The bill makes littering a Class A misdemeanor instead of a Class B infraction if refuse is placed or left in, on, or within 100 feet of a body of water that is under the jurisdiction of the (1) DNR; or (2) U.S. Army Corps of Engineers.

Effective Date: July 1, 2006.

Explanation of State Expenditures: The bill adjusts the conditions under which a person must obtain a DNR permit in order to excavate; fill; or place, modify, or repair a temporary or permanent structure over, along, or lakeward of the shoreline or waterline of a public freshwater lake. The bill also requires the NRC to adopt rules to implement the provisions of the bill. The DNR and the Commission will be able to implement the above without additional funding.

Explanation of State Revenues: (Revised) The bill adjusts the conditions under which a person must obtain a DNR permit in order to excavate; fill; or place, modify, or repair a temporary or permanent structure over,

along, or lakeward of the shoreline or waterline of a public freshwater lake. If the lowest point of a structure or excavation would be below the elevation of the shoreline or waterline, the person must not place a permanent structure or conduct an excavation within 10 feet landward of the shoreline or waterline, as measured perpendicularly from the shoreline or waterline of a public freshwater lake.

Under existing law, seawalls can be installed landward within 10 feet of the shoreline. The installation of concrete seawalls within 10 feet of the shoreline can result in the tide washing away the soil and habitat between the seawall and the shoreline. As a result, the shoreline becomes the seawall. In this case, the shoreline is changed without a permit. The bill may result in the DNR issuing additional permits.

The fee for the permit remains at \$100. Fee revenue could increase as a result of this bill. Fees collected from permits are deposited in the Land and Water Resources Fund, which is used to fund local soil and water conservation programs; conduct research necessary for beneficial development of water resources; and to offset the costs to the Division of Water for administering the permit program.

Penalty Provision: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: (Revised) *Penalty Provision:* A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: (Revised) *Penalty Provision:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: DNR, NRC.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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